

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII

901 NORTH 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

03 FEB 28 PM 3:37

ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF

NORTHEAST RURAL SERVICES, INC.  
Vinita, Oklahoma

Respondent

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Docket No. FIFRA-07-2003-0077

CONSENT AGREEMENT AND

FINAL ORDER

PRELIMINARY STATEMENT

1. This administrative proceeding for the assessment of Civil Penalties was initiated pursuant to § 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, 7 U.S.C. § 136 et seq., hereinafter FIFRA. The action was instituted by Complaint and Notice of Opportunity for Hearing (hereinafter the "Complaint") filed upon Respondent, alleging violations of § 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

CONSENT AGREEMENT

2. For purposes of this proceeding only, Respondent does by this Consent Agreement and Final Order admit the jurisdictional allegations of the Complaint and neither admits nor denies the factual allegations contained in the Complaint.

3. Respondent hereby explicitly waives its right to contest the factual allegations and to appeal the Final Order accompanying this Consent Agreement.

4. For purposes of this proceeding only, Respondent consents to the issuance of the Order set forth below and consents to the payment of a mitigated civil penalty in the amount of Twenty-Five Hundred Dollars (\$2,500).

5. No portion of any civil penalty, interest or penalties paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order may be claimed by Respondent as deductions for federal, state, or local income tax purposes.

6. Failure to pay the civil penalty may result in commencement of a civil action in Federal District Court to recover the full amount due, together with costs, interest and penalties.

7. Nothing contained in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state and local environmental statutes, regulations, and applicable permits.

8. Each signatory of this Consent Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

#### FINAL ORDER

1. Respondent shall pay a mitigated civil penalty of Twenty-Five Hundred Dollars (\$2,500) within thirty (30) days of the effective date of this Order.

2. Payment shall be by cashier's or certified check, made payable to the United States Treasury, and shall bear the docket number for this matter, and shall be mailed to:

EPA- Region VII  
Regional Hearing Clerk  
P.O. Box 360748M  
Pittsburgh, Pennsylvania 15251

3. Each party shall bear its own costs and attorney's fees in connection with this action.

In the Matter of:  
Northeast Rural Services, Inc.  
Docket No. FIFRA-07-2003-0077

RESPONDENT:

Northeast Rural Services, Inc.

By: 

Title:

Senior Vice-President

Date:

2/14/03

COMPLAINANT:

By: 

Henry F. Rompage  
Office of Regional Counsel  
EPA, Region VII

Date:

2-18-03

IT IS SO ORDERED. This Order shall become effective immediately.



Robert L. Patrick  
Regional Judicial Officer

Date:

February 28, 2003

IN THE MATTER OF Northeast Rural Services, Inc., Respondent  
Docket No. FIFRA-07-2003-0077

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Henry Rompage  
Attorney  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

David Roundtree  
Registered Agent for Northeast Rural Services, Inc.  
P.O. Box 948  
44387 E. Highway 60  
Vinita, Oklahoma 74301

Dated: 2/28/3

*Kathy Robinson by Abby White*  
Kathy Robinson  
Regional Hearing Clerk